

6/29/10 w/PC

MEMORANDUM

**Oconee County
Council Office**

TO: All Council Members
Scott Moulder
Tom Martin

FROM: Beth Huise, Clerk to Council



DATE: June 22, 2010

RE: Additional Agenda Material for June 29, 2010 Workshop Meeting

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Gentlemen:

Last night at the Planning Commission they approved the attached Additions to the Lake Overlay and recommended they be forwarded to Council. They are not on the agenda for the joint workshop with the Planning Commission on the 29th but I thought you would like to review as I felt sure they would come up for some kind of discussion.

Thanks.



Draft Standards for Consideration as Additions to Lake Overlay

The following draft standards would address a series of issues currently not regulated by the Lake Overlay District.

Adopted Intent of Overlay:

- 1) protect water quality
- 2) maintain natural beauty
- 3) limit secondary impacts of new development that may negatively affect the lifestyles of those living near the lakeshore

Problematic Issues Currently Not Addressed by Existing Standards:

- 1) Fuel/Hazardous substances stored and dispensed near lake
- 2) Buffering for non-residential uses to reduce impact on nearby residences
- 3) Greenspace minimums to reduce runoff and promote groundwater regeneration
- 4) Limit impervious surfaces to minimum to reduce runoff and promote groundwater regeneration
- 5) Parking standards for non-residential uses to limit negative secondary impacts
- 6) Lighting standards for non-residential uses to limit "light pollution" in residential areas

Draft Standards

The following standards shall apply to construction and development within the boundaries of the Lake Overlay. In the event any applicable dimensional requirement of a standard cannot be implemented in a structure, development, project or other use duly approved by Oconee County prior to the adoption of these standards due to lack of feasibility, the Planning Director may issue a written waiver of the strict application of the requirement, provided that the requirement is implemented to the fullest extent possible. In no event shall any use or activity proposed to be located only partially within the boundary of the Lake Overlay impede or negatively impact the implementation of these standards in those areas subject to them.

- 1) Fuel and Hazardous Substances- Non-Residential uses that entail permanent storage or dispensing facilities for fuels or substances defined by EPA as hazardous, flammable, or otherwise potentially threatening to persons or property shall be approved as Special Exceptions. All fuel dispensing activities shall be located no closer than 100' from the closest point of any parcel(s) duly platted and recorded for residential use.
- 2) Landscape Buffers- Non-residential uses proposed to border existing residential uses, which shall include any parcel(s) duly approved by Oconee County and recorded by the Register of Deeds, shall require a 25' landscape buffer along the common property line. All such buffers shall be duly dedicated on a plat and recorded as a permanent feature of the use.

The following mixture of plants per 100' of property boundary shall be required:

- 3 large maturing shade trees, equally spaced
- 3 understory trees, equally spaced
- 6 small evergreen trees
- 20 shrubs

Alternative mixes of plant materials may be approved, provided the appropriateness and sustainability as a permanent landscape buffer material is certified by a Landscape Architect licensed by the state of South Carolina. Existing trees with a minimum caliper size of 4 inches may be counted towards satisfying the buffer requirement, provided they are preserved and adequately protected through all phases of construction. Credited trees shall be uniformly encircled by a fenced protection area established along the dripline. In the event a required tree or shrub dies or fails to thrive, for whatever reason, the owner shall replace it as soon as is practicable.

In the event an abutting parcel contains a required buffer or screen, it may count towards the buffer requirements, provided said buffer or screen is duly dedicated on a plat and recorded as a permanent feature of the use. Existing natural vegetative areas containing trees or other plants sufficient to serve as an adequate buffer or screen may be approved in lieu of the establishment of one containing the plants described above.

- 3) Greenspace- New non-residential uses shall dedicate no less than 15% of area within the project boundary as greenspace; required vegetative buffers located on the same parcel may count toward required minimum area. Lawns or other mown areas shall not be counted toward the minimum required greenspace area.
- 4) Impervious Surface- New non-residential uses for which the Impervious Surface Area (ISR) is greater than or equal to .60 shall be approved as Special Exceptions. New residential uses for which the ISR is greater than or equal to .75 shall be approved as Special Exceptions.

Examples of ISR Calculation:

Impervious Surface = 2,000 sq. ft.
Total Area of Project within Overlay = 5,000 sq. ft.
 $2,000 \text{ sq. ft.} / 5,000 \text{ sq. ft.} = .40 \text{ ISR}$
(both residential and non-residential uses may be approved administratively)

Impervious Surface = 3,500 sq. ft.
Total Area of Project within Overlay = 5,000 sq. ft.
 $3,500 \text{ sq. ft.} / 5,000 \text{ sq. ft.} = .70 \text{ ISR}$ (residential uses may be approved administratively; non-residential uses approved as Special Exception)

- 5) Parking- All non-residential uses shall provide permanent, all-weather off-street parking facilities adequate to accommodate normal business volume. Up to 50% of any required parking area may consist of unpaved area, provided said area is normally used only during "peak" business hours or events, and the surface is properly engineered to avoid ruts, cuts, erosion, excessive dust, and runoff of automotive fluids. Stalls shall be no less than 9' in width and 19' in depth. Uses with 10 or more parking spaces, or parking lots greater than 2,000 square feet in paved or impervious area, shall be approved as Special Exceptions. Parking areas shall be designed so that a planting island is provided for every 10 parking spaces in a continuous row. Planting islands are also required at the beginning and end of all parking bays. All planting islands shall be surrounded by curbing to prevent vehicle damage

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to planting, and shall be at least 9' x 15' (inside of curb). Vehicle stacking spaces shall be provided for fuel dispensing, automated banking, drive up windows, and other similar facilities. Guards or curbs shall be arranged so as to ensure that no part of any parked vehicle will extend beyond the boundaries of the parking space and into a pedestrian area, landscape area, or beyond the property line of the site. All parking accommodations shall be certified by a design professional licensed by the State of South Carolina.

- 6) Lighting- All new non-residential uses shall be subject to the Lighting Standards established in Appendix A of this document, as amended.



Special Workshop Meeting
Oconee County Council
and
Planning Commission

Recommended Changes to Zoning Enabling Ordinance

Recommendation #1: Amend the Small Area Rezoning Standard as follows:

Current Standard:

Method 2- Small Area Rezoning

Any property owner, or group of property owners, may petition for initial rezoning, provided the parcels proposed for rezoning are contiguous and comprise no less than two hundred (200) acres in area, or shall constitute a platted subdivision with a total area of fifty (50) acres, or a minimum of forty (40) lots, recorded in the office of the Oconee County Register of Deeds. For the purposes of this regulation, in addition to standard definitions, parcels separated by a perennial stream or body of water shall be considered contiguous. This method of rezoning shall be initiated by a signed petition containing the signatures of a minimum of 51% of the affected property owners. Proposed changes to any part of these regulations shall be subject to review by the planning commission, as set forth in Section 8.1 (above), and public notice requirements contained in Section 8.2 (above), as well as other applicable standards established by the South Carolina Code of Laws, (amended).

Planning Commission Recommends the following changes:

Method 2- Small Area Rezoning

Any property owner, or group of property owners, may petition for initial rezoning, provided the parcels proposed for rezoning are contiguous and comprise no less than two hundred (200) acres in area, or shall constitute a platted subdivision with a total area of fifty (50) acres, or a minimum of forty (40) lots, recorded in the office of the Oconee County Register of Deeds. Requests for rezoning under this method shall conform to the following steps:

1. A sponsor, who shall be deemed to be the primary contact and responsible party for the rezoning request, shall submit a notice of intent to rezone to the Oconee County Planning Department. Staff will assist in the development of a map and other documents necessary to describe the proposed rezoning.
2. The sponsor shall present the proposed boundary map to the Planning Commission for consideration. The Commission shall consider the area, zoning districts to be requested, and other pertinent factors in either approving or rejecting the map. If approved, staff shall provide the sponsor with an approved copy(s) of a standard form (see Appendix B) to use in the petition drive.
3. Staff shall publish all approved boundary maps and associated information on the internet, as well as maintaining a telephone information line with up-to-date information on pending rezoning requests.
4. Complete rezoning request submissions shall include the signatures of no less than sixty-five (65%) percent of the landowners of sixty-five percent (65%) of the landmass within the boundary shown on the approved map. No incomplete rezoning request shall be processed.
5. Staff shall review completed petitions to verify to the best of their ability that the signatures on the petition accurately represent the registered owners of the parcels indicated. Upon completion of the review, staff shall notify all property owners within the request area of the rezoning effort by a official mailing. The notice shall be mailed in an envelope clearly identified as important information relating to the recipient's property, and shall note that the matter will be considered for First Reading by

County Council. The mailing shall contain the specific date and time of Council's consideration.

6. Upon approval on First Reading, Council may forward the rezoning request to the Planning Commission for their review and recommendation.
7. Upon completion of the Planning Commission review, Council may take Second Reading and schedule a public hearing. Staff will notify the owners of all parcels within and adjacent to the boundary of the rezoning request of the public hearing no later than 15 days prior to the hearing. All public hearings shall meet public notification requirements established by the Code of Laws of the State of South Carolina.
8. Upon completion of the public hearing, Council may take Third Reading.

Recommendation #2: Adopt the 2 new districts Agricultural Residential District, and Public and Recreation Lands District (attached)

Recommendation #3: Implement a \$5 per parcel application fee for rezoning parcels out of the Control Free District

Planning Commission recommends the creation of the following draft zoning district:

Sec. 38-10.a. Agricultural residential district (ARD)

(a) Title: Agricultural residential district (ARD)

(b) Definition: Those areas for which it is desirable to protect the residential nature of their agricultural community, but also allow for the continuation of certain uses compatible with country living.

(c) Intent: The intent of this district is to protect existing residential areas in rural communities by limiting high-density development, and high impact agricultural, commercial and industrial uses not compatible with the character of the community. In general, many residents in these areas still participate in farming-related activities, but do so primarily on a part time basis, for either personal enjoyment or supplementing their primary income through gardening, keeping a small number of livestock or poultry, or other agricultural pursuits.

(d) Uses:

(1) Permitted Uses

- Mini farms
- Hobby farms
- Home gardening
- Residential gardening
- Cemeteries: Family and Accessory
- Civic, fraternal, professional, & political organizations
- Greenhouses & nurseries, commercial
- Healthcare services (Hospitals excluded)
- Places of worship
- Public and private parks & recreation (indoor and outdoor)
- Roadside stands and markets
- Single-family detached residential
- Single-family subdivisions (5 units or less)
- Taxidermy and wild game processing

(2) Conditional Uses (See Article 3 for Conditions)

- Auction houses
- Conservation subdivisions
- Home occupations
- Restaurants (up to 2,500 square feet)
- Commercial camping sites

(3) Special Exceptions (See Article 7 for Special Exceptions)

- Communication Towers
- Group Homes
- Marinas
- Commercial camping sites (5 or more campsites)

(c) Dimensional Requirements*

Residential Uses	Density & Lot Size		Minimum Yard Requirements			Max. Height	
	Min. Lot Size	Max. Density	Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	1 acre	1 dwelling unit per acre	80	35	5	10	65

Non-residential Uses	Minimum Lot Size		Minimum Yard Requirements			Max. Height
	Min. Lot Size	Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	1 acre with availability of utilities	80	35	10	30	65

*See Article 9 for general provisions and exceptions to Dimensional Requirements.

Planning Commission recommends the creation of the following draft zoning district:

Sect. 38-18.x. Public and recreation lands district (PRLD)

(a) *Title:* Public and Recreation Lands District

(b) *Definition:* Those areas set aside for the promotion, use, and protection of natural resources in the form of (but not limited to) parks, forests, and educational or research facilities; or federal, state, and county owned lands typically maintained for the benefit of the public.

(c) *Intent:* This district is meant to provide for a continuation and identification of public lands and to allow for those uses typically associated with accomplishing the mission of the agency charged with the care and promotion of the land.

(d) *Uses:*

(1) *Permitted Uses:*

- Forestry
- Agriculture
- Farm Markets
- Museums and cultural centers
- Educational research and promotion facilities
- Public recreational and social facilities
- Public camping facilities
- Governmental, Educational, and non-profit offices

(2) *Conditional Uses (See Article 5 for Conditions)*

[RESERVED]

(3) *Special Exceptions (See Article 7 for Special Exceptions)*

- Communication Towers
- Group Homes
- Marinas

Dimensional Requirements

See Article 9 for general provisions and exceptions to Dimensional Requirements.